



STATE OF TENNESSEE

DEPARTMENT OF COMMERCE AND INSURANCE

TENNESSEE REAL ESTATE COMMISSION

500 JAMES ROBERTSON PARKWAY

NASHVILLE, TN 37243

615-741-2273

<http://www.tn.gov/commerce/section/real-estate-commission>

MINUTES

The Tennessee Real Estate Commission held a meeting March 08, 2017 at 9:00 a.m. CST in room 1A of the Davy Crockett Tower located at 500 James Robertson Parkway Nashville, TN 37243.

The Meeting was called to order by Chairman John Griess.

Chairman Griess welcomed everyone to the Board meeting.

Executive Director Malcolm Young called roll. The following Commission Members were present: Chairman Griess, Vice Chairman Commissioner Austin McMullen, Commissioner Marcia Franks, Commissioner Diane Hills, Commissioner Johnny Horne, and Commissioner Bobby Wood. Others present: Executive Director Malcolm Young, Assistant General Counsel Sarah Mathews, Paralegal Rianna Womack, Education Director Ross White, Commission Staff Sherry Brame, Aaron Smith. Commissioners Fontaine Taylor, Gary Blume and Rick Douglass were absent. Quorum Confirmed.

The March 08, 2017 board meeting agenda was submitted for approval and amended to include instructor approval and roster processing under the Education Director's Report as well as Errors and Omissions suspensions under Commission Discussions.

Motion made by Commissioner McMullen and seconded by Commissioner Franks to approve the March 08, 2017 agenda with changes. Motion carried unanimously.

Minutes for the February 08, 2017 board meeting were submitted for approval.

Motion made by Commissioner Franks and seconded by Commissioner Horne to approve the February 08, 2017 minutes with one correction to page 3. Motion carried unanimously.

INTRODUCITON OF ASSISTANT COMMISSIONER – Carter Lawrence

INFORMAL APPEARANCE-

Ginger Holmes, managing broker of Berkshire Hathaway Home Services Woodmont Realty in Nashville, TN, appeared before the Commission along with James Edrington, affiliate broker, to request a waiver of the 50 Mile rule.

Motion made by Commissioner McMullen and seconded by Commissioner Franks to grant the 50 mile rule waiver. Motion carried unanimously.

EDUCATION REPORT- (Attachment A)

Motion made by Commissioner Horne to approve courses M1 – M45, motion seconded by Commissioner Franks. Motion carried unanimously. Commissioner Wood recused himself.

Motion made by Commissioner Franks to approve instructors M1 - M45, motion seconded by Commissioner Hills. Motion carried unanimously.

EXECUTIVE DIRECTORS REPORT-

Review of Financial and Statistical Reports (Attachment B)

Executive Director Young encouraged all Commissioners to participate in the TAR meeting being held in Cool Springs on March 28, 2017.

Motion made by Commissioner Franks to ratify administration action, to not suspend licensees for lapse in E&O until after the suspension letters had gone out, motion seconded by Commissioner Wood. Motion passes unanimously.

Motion made by Commissioner Franks to accept the updated instructor application with the addition of placing the application fee on page 2, motion seconded by Commissioner Hills. Motion passes unanimously.

Motion made by Commissioner Franks to accept 2017 outreach topics, dates and locations, motion seconded by Commissioner Hills. Motion passes unanimously.

COMMISSION DISCUSSIONS-

Commission discussed the Bill Tune awards and the process for handing them out in a public setting to recognize the recipients, Grover Collins and Wendell Alexander.

Commissioner Franks recommended that a databank of real estate education providers be created to communicate updates on education rules. Commissioner Franks also requested that pass/fail

ratio of school providers, as published by PSI, be published on the TREC website with an email notification alerting providers. Commission also discussed having pre-licensing education providers recertify every two years.

Motion made by Commissioner Franks to have the legal department draft a rule concerning the pass/fail rates of providers/instructors, motion seconded by Commissioner Wood. Motion Passes unanimously.

LEGAL REPORT

Expired license / Military Health Issue Exception was deferred for 60 days.

Motion made by Commissioner McMullen, seconded by Commissioner Franks. Motion carries unanimously. Commission action request for Executive Director Young to research what other jurisdictions exempt on military waivers before finalizing rule.

Motion to accept the rule for reinstatement of an expired firm license was made by Commissioner Franks, seconded by Commissioner Wood. Motion passes unanimously.

Clarification of inspection period for Timeshares was discussed. Right of rescission for Time Share was clarified to be fifteen days.

Chairman Griess requested, for future meetings, that the legal report be restructured to group consent orders, dismissals and frivolous complaints together in an effort to streamline the legal report.

Meeting Adjourned by Chairman Griess at 3:25 p.m.

Sarah Mathews

1. **2016036071 RE-PRESENT**
Opened: 6/28/16
First Licensed: 3/29/04
Expiration: 7/20/17
Type of License: Affiliate Broker
History: No Prior Disciplinary History

New Recommendation: Counsel recommends the Commission discuss this matter.

Decision: The Commission voted to keep the previous decision. The Commission voted to authorize a civil penalty in the amount of One Thousand Dollars (\$1,000) for violation of T.C.A. § 62-13-312(b)(5) (failure to remit). In addition, Respondent must take four (4) hours of CE in professional liability, which must to be completed within 180 days of execution of the Consent Order and the CE must be above and beyond the minimum CE required for license renewal. Commission decided to not hold a new vote and to let the decision from the December 2016 meeting stand.

2. **2016036101 RE-PRESENT**
Opened: 6/28/16
First Licensed: 3/29/96
Expiration: 7/9/17
Type of License: Principal Broker
History: No Prior Disciplinary History

New Recommendation: Counsel recommends the Commission discuss the matter.

New Decision: The Commission voted to authorize a civil penalty in the amount of \$1,000 for violation of T.C.A. §§ 62-13-312(b)(15)(failure to supervise). In addition, Respondent must take the principal broker core class, which must be completed within 180 days of execution of the Consent Order and the class must be above and beyond the minimum CE required for license renewal.

Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously. Commissioner Hills abstained.

Dennis Gregory

3. 2016042041 RE-PRESENT

Opened: 6/12/2016

First Licensed: 5/19/99

Expiration: 1/21/17

Type of License: Principal Broker

History: 201101630 – \$1,000 Consent Order

201302212 – \$1,000 Final Order

201400399 – \$4,000 Consent Order

201401694 – \$1,000 Consent Order

2015022269 – \$500 Consent Order

201600383 – \$1,000 Consent Order

201605663 – Pending Open Complaint

201606230 – Pending Open Complaint

New Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously. Commissioner Hills abstained.

4. 2016043031 RE-PRESENT

Opened: 7/13/16

First Licensed: 8/4/05

Expiration: 7/17/17

Type of License: Principal Broker

History: 2010- Consent Order-Failure to maintain E & O Insurance

Feb. 2016- Consent Order- \$24,000 Civil Penalty improper dealing & undisclosed commission

New Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Horne. Motion passes unanimously.

5. 201605542

Opened: 9/16/16

First Licensed: 9/12/1995

Expiration: 3/12/2018

Type of License: Affiliate Broker

History: None.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner McMullen, motion seconded by Commissioner Hills. Motion passes unanimously.

6. 2016055461

Opened: 9/16/16

First Licensed: 7/3/2007

Expiration: 8/2/2018

Type of License: Principal Broker

History: None.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously.

7. 2016055761

Opened: 9/19/16

First Licensed: 6/16/2006

Expiration: 6/15/2018

Type of License: Broker

History: None.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

8. 2016055821

Opened: 9/19/16

First Licensed: 6/16/2006

Expiration: 6/15/2018

Type of License: Principal Broker

History: None.

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

9. 2016056191

Opened: 9/21/16

First Licensed: 7/27/07

Expiration: 7/26/17

Type of License: Real Estate Firm

History: June 2016 Consent Order-\$1000 Civil Penalty, Reasonable skill and care & Improper dealing

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

10. 2016056231

Opened: 9/21/16

First Licensed: 3/24/08

Expiration: 3/23/17

Type of License: Time Share Registration

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

11. 2016059841

Opened: 9/21/16

First Licensed: 3/10/94

Expiration: 12/10/18

Type of License: Real Estate Firm

History: None

Recommendation: Dismiss.

Decision: The Commission voted to authorize a civil penalty in the amount of One Thousand Dollars (\$1000) for failure to respond, which is a violation of T.C.A. § 62-13-313(a)(2). Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously. Commissioner McMullen absent.

12. 2016056421

Opened: 9/21/16

First Licensed: 2/19/13

Expiration: 2/18/17

Type of License: Real Estate Broker

History: August 2016 Agreed Order \$6000 Civil Penalty, TREC attendance, Suspended for 180 days, Downgrade to affiliate status

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel and also requested TREC Legal Staff contact TAR to notify them of the misuse of their forms. Motion made by

Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.
Commissioner McMullen absent.

13. 2016056451

Opened: 9/21/16

First Licensed: 1/6/99

Expiration: 10/24/17

Type of License: Principal Broker

**History: August 2016 Agreed Order \$6000 Civil Penalty, TREC attendance, 30 hours
Broker Management Course**

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.
Commissioner McMullen absent.

14. 2016056591

Opened: 9/22/16

First Licensed: 6/20/08

Expiration: 6/19/18

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Franks. Motion passes unanimously.
Commissioner McMullen absent.

15. **2016056631**
 Opened: 9/22/16
 First Licensed: 5/19/99
 Expiration: 1/21/19
 Type of License: Principal Broker
 History: 201101630 – \$1,000 Consent Order
 201302212 – \$1,000 Final Order
 201400399 – \$4,000 Consent Order
 201401694 – \$1,000 Consent Order
 2015022269 – \$500 Consent Order
 201600383 – \$1,000 Consent Order

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

16. **2016062241**
 Opened: 10/11/2016
 First Licensed: 6/20/08
 Expiration: 6/19/18
 Type of License: Affiliate Broker
 History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Horne. Motion passes unanimously. Commissioner McMullen absent.

17. 2016062301

Opened: 9/22/16

First Licensed: 5/19/99

Expiration: 1/21/19

Type of License: Principal Broker

History: 201101630 – \$1,000 Consent Order

201302212 – \$1,000 Final Order

201400399 – \$4,000 Consent Order

201401694 – \$1,000 Consent Order

2015022269 – \$500 Consent Order

201600383 – \$1,000 Consent Order

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

18. 2016056641

Opened: 9/22/16

First Licensed: 9/18/98

Expiration: 2/24/18

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Franks. Motion passes unanimously. Commissioner McMullen absent.

19. 2016056661
Opened: 9/22/16
First Licensed: 7/17/01
Expiration: 10/24/17
Type of License: Real Estate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously. Commissioner McMullen absent.

20. 2016056681
Opened: 9/22/16
First Licensed: 11/17/70
Expiration: 8/3/18
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously. Commissioner McMullen absent.

21. 2016056251
Opened: 9/22/16
First Licensed: 4/20/99
Expiration: 12/31/17
Type of License: Time Share Registration
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

22. 2016057291

Opened: 9/26/16

First Licensed: 8/20/13

Expiration: 8/19/17

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

23. 2016057321

Opened: 9/26/16

First Licensed: 9/28/79

Expiration: 7/9/17

Type of License: Real Estate Broker

History: 2012 Consent Order \$500 Civil Penalty Misleading or untruthful advertising

2013 Letter of Instruction- Deposits and Earnest Money

2015 Consent Order \$3000 Civil Penalty willful misrepresentation, accepting a commission or any valuable consideration by an affiliate broker...from any person, except the licensed real estate broker with whom the license is affiliated

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.
Commissioner McMullen absent.

24. 2016057381

Opened: 9/26/16

First Licensed: 2/2/96

Expiration: 12/11/18

Type of License: Real Estate Broker

History: 2009 Letter of Instruction-contract writing

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously.
Commissioner McMullen absent.

25. 2016057411

Opened: 9/26/16

First Licensed: 1/27/14

Expiration: 6/16/18

Type of License: Principal Broker

History: None

Recommendation: Consent Order and \$1000.00 civil penalty for failure to respond.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.
Commissioner McMullen absent.

26. 2016061921
Opened: 10/6/16
First Licensed: 1/23/07
Expiration: 1/22/19
Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Wood. Motion passes unanimously. Commissioner McMullen absent.

27. 2016061951
Opened: 10/9/16
First Licensed: 3/21/95
Expiration: 12/8/18
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Wood. Motion passes unanimously. Commissioner McMullen absent.

28. 2016061031
Opened: 10/6/16
First Licensed: 10/18/13
Expiration: 10/17/17
Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Wood. Motion passes unanimously. Commissioner McMullen absent.

29. 2016061051

Opened: 10/6/16

First Licensed: 3/4/88

Expiration: 12/11/18

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

30. 2016062341

Opened: 10/7/16

Type of License: Unlicensed

History: None

Recommendation: Consent Order with a \$1,000 civil penalty for unlicensed activity.

Decision: The Commission voted to authorize a civil penalty in the amount of \$1,000 for each confirmed managing property for violation of T.C.A. §§ 62-13-301 (unlicensed activity), including a cease and desist order. Motion made by Commissioner Franks, motion seconded by Commissioner Wood. Motion passes unanimously. Commissioner McMullen absent.

31. 2016062031
Opened: 10/10/16
First Licensed: 6/5/08
Expiration: 3/31/18
Type of License: Real Estate Firm
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously. Commissioner McMullen absent.

32. 2016062051
Opened: 10/11/16
First Licensed: 6/11/14
Expiration: 6/10/18
Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously. Commissioner McMullen absent.

33. 2016062101
Opened: 10/11/16
First Licensed: 8/2/72
Expiration: 1/10/19

Type of License: Principal Broker

History: None

Recommendation: Consent Order with \$1,000 for violation of T.C.A. §§ 62-13-301 (unlicensed activity).

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes 4-1 with Commissioner Wood voting against. Commissioner McMullen absent.

34. 2016037221 RE-PRESENT

Opened: 7/1/16

First License Obtained: 10/1/99

License Expiration: 9/5/17

Type of License: Principal Broker

History: None

New Recommendation: Dismiss.

New Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

35. 2017006061

Opened: 1/30/17

First License Obtained: 3/12/14

License Expiration: 3/11/18

Type of License: Affiliate Broker

History: None

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

36. 2016053191 RE-PRESENT

Opened: 9/8/16

Type of License: Unlicensed

History: None

New Recommendation: Dismiss.

New Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously.

THE INFORMATION BELOW IS PRESENTED IN ORDER TO PROVIDE BACKGROUND TO #37. THE INFORMATION DEALS ONLY WITH THE AFFILIATE BROKER FROM THE FEBRUARY 2017 MEETING. #37 DEALS WITH THE PRINCIPAL BROKER.

2016051691 –Previously presented in February 2017

Opened: 8/26/16

First Licensed Obtained: 7/31/95

License Expiration: 7/9/18

Type of License: Real Estate Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously.

37. 2016051711 RE-PRESENT

Opened: 8/26/16

First Licensed Obtained: 1/23/97

License Expiration: 7/14/18

Type of License: Principal Broker

History: None

New Recommendation: Dismiss.

New Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously.

38. 2016000651 RE-PRESENT

Opened: 2/25/16

First Licensed: 4/13/76

Expiration: 10/31/16

Type of License: Principal Broker

History: No history of disciplinary action.

New Recommendation: Dismiss.

New Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously.

Robyn Ryan

39. 2016055981

Opened: 9/16/16

First Licensed: 11/30/15

Expiration: 11/29/17

Type of License: Real Estate Firm

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

40. 2016056041
Opened: 9/16/16
First Licensed: 3/24/06
Expiration: 3/23/18
Type of License: Affiliate Broker
History: 2013 Agreed Citation \$250-Advertising Violation

Respondent is seller's agent above.

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

41. 2016056091
Opened: 9/16/16
First Licensed: 4/7/00
Expiration: 3/14/17
Type of License: Principal Broker
History: 2014 Consent Order \$1000 Civil Penalty-Failure to supervise
2016 Letter of Warning-Advertising

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

42. 2016054991
Opened: 9/16/16
First Licensed: 11/21/05
Expiration: 7/6/17

Type of License: Principal Broker

History: None

Recommendation: Because there appears to be no violation, the recommendation is for a \$500.00 civil penalty for violation of T.C.A. §62-13-312(14) in violation of T.C.A. §62-13-313(2).

Decision: The Commission voted to authorize a civil penalty in the amount of \$1,000 for violation of T.C.A. §§ 62-13-313(a)(2), failure to respond. Motion made by Commissioner McMullen, motion seconded by Commissioner Wood. Motion passes unanimously.

43. 2016055271

Opened: 9/16/16

First Licensed: 9/19/11

Expiration: 10/21/17

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously.

44. 2016056831

Opened: 9/23/16

First Licensed: 2/2/90

Expiration: 7/3/18

Type of License: Principal Broker

History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously.

45. 2016058451

Opened: 9/23/16

Type of License: Unlicensed

History: None

Recommendation: Dismiss. If not receiving any compensation, not acting as broker.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes 5-1 with Commissioner Wood voting against.

46. 2016057131

Opened: 9/26/16

First Licensed: 4/27/00

Expiration: 11/27/18

Type of License: Principal Broker

History: None

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

47. 2016057451

Opened: 9/26/16

First Licensed: 5/16/88

Expiration: 3/27/17-Revoked

Type of License: Principal Broker

History: 2011 Consent Order \$2000 Civil Penalty- Failure to remit earnest money

2012 Consent Order \$1500 Civil Penalty- Failure to timely account for earnest

money, failure to respond

2017 Formal Hearing Heard- Revocation plus \$10, 310 costs

Recommendation: License is now revoked but was active at time of these actions. Civil penalty of \$1,000.00 for failure to respond.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

48. 2016057491

Opened: 9/27/16

First Licensed: 8/16/94

Expiration: 4/25/18

Type of License: Affiliate Broker

History: None

Recommendation: \$1,000.0 civil penalty for violation of T.C.A. §62-13-404(2) failing to be loyal to interests of client.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously.

49. 2016057541

Opened: 9/27/16

First Licensed: 10/5/81

Expiration: 9/1/18

Type of License: Principal Broker

History: 2006 Consent Order-Misleading advertising

Recommendation: \$1,000.0 civil penalty for violation of T.C.A. §62-13-404(2) failing to be loyal to interests of client.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Horne. Motion passes unanimously.

50. 2016058571

Opened: 9/29/16

First Licensed: 3/12/12

Expiration: 3/11/18

Type of License: Affiliate Broker

History: None

Recommendation: As the underlying complaint is meritless, the recommendation is for a \$500.00 civil penalty for failure to respond in violation of T.C.A. §62-13-312(14), regarding T.C.A. §62-13-313(2).

Decision: The Commission voted to accept authorize a civil penalty in the amount of \$1,000 for violation of T.C.A. §§ 62-13-313(a)(2), failure to respond. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes 5-1 with Commissioner Horne voting against.

51. 2016060601

Opened: 10/4/16

Type of License: Unlicensed

History: None

Recommendation: All properties have individual owner with same initials as used in business name. \$1,000.00 civil penalty for unlicensed work as realtor.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

52. 2016060771

Opened: 10/5/16

First Licensed: 9/3/04

Expiration: 11/8/18

Type of License: Real Estate Broker

History: None

Recommendation: This Respondent did make various contacts with persons concerning the handling of the bid process but Respondent also attempted to contact Complainant as well. There were no unreasonable time responses. While maybe there are potential ethical issues, there does not appear to be any violation of the Broker's act and therefore recommendation is to dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

53. 2016060791

Opened: 10/5/16

First Licensed: 10/21/03

Expiration: 12/12/18

Type of License: Principal Broker

History: None

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Wood. Motion passes unanimously.

54. 2016060841

Opened: 10/6/16

First Licensed: 2/28/96

Expiration: 8/5/17

Type of License: Principal Broker

History: None

Recommendation: Dismiss

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes 5-1 with Commissioner Franks voting against..

55. 2016061221
Opened: 10/6/16
First Licensed: 8/5/85
Expiration: 6/14/17
Type of License: Real Estate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Franks. Motion passes unanimously.

56. 2016061261
Opened: 10/6/16
First Licensed: 9/18/92
Expiration: 7/17/18
Type of License: Principal Broker
History: 2014 Agreed Citation \$250 civil penalty-Failure to Supervise

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Hills. Motion passes unanimously.

57. 2016061651
Opened: 10/7/16
First Licensed: 3/24/08
Expiration: 3/23/17
Type of License: Time Share Registration
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

58. 2016062081
Opened: 10/10/16
First Licensed: 1/9/06
Expiration: 1/8/18
Type of License: Affiliate Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Franks, motion seconded by Commissioner Wood. Motion passes unanimously.

59. 2016062121
Opened: 10/10/16
First Licensed: 9/17/10
Expiration: 9/16/18
Type of License: Principal Broker
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Wood, motion seconded by Commissioner Franks. Motion passes unanimously.

60. 2016062161
Opened: 10/12/16
First Licensed: 3/24/08
Expiration: 3/23/17
Type of License: Time Share Registration
History: None

Recommendation: Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

RE-PRESENTATIONS

61. 2016052831

Opened: 9/2/16

First Licensed Obtained: 6/29/11

License Expiration: 6/28/17

Type of License: Affiliate Broker

History: None

New Recommendation: Dismiss.

New Decision: The Commission voted to accept the recommendation of legal counsel.

2016039581-For Reference Only

Opened: 7/14/16

First License Obtained: 5/24/06

License Expiration: 4/24/18

Type of License: Principal Broker

History: No Prior Disciplinary History/ Pending Complaint open 201606593 not yet referred to legal for failure to supervise respondent listed in cases above.

Recommendation: Dismiss against Respondent but open complaint against Complainant for actions concerning contracts prepared by Complainant and Complainant's potential improper dealings. In addition, an investigation should be initiated.

Decision: The Commission voted to accept the recommendation of legal counsel. Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes unanimously.

62. 2016069121

Opened: 11/17/16

First Licensed: 6/23/14

Expiration: 6/22/18

Type of License: Affiliate Broker

History: None

Recommendation: Close and Dismiss.

Decision: The Commission voted to accept the recommendation of legal counsel. Close and Dismiss.

Motion made by Commissioner Hills, motion seconded by Commissioner Wood. Motion passes unanimously.

63. 2016045671

Opened: 8/24/16

First Licensed Obtained: 3/25/02

License Expiration: 6/10/17

Type of License: Principal Broker

History: None

New Recommendation: Dismiss.

New Decision: The Commission voted for consent order for \$1,000 for violation of Rule 1260-02-.13(6)(b), (failure to disclose all terms of the guarantee). Motion made by Commissioner Hills, motion seconded by Commissioner Franks. Motion passes 5-1 with Commissioner Horne voting against.